

REMARKS

The Examiner has rejected Claim 1, 3-6, 8-16, 18-42, and 44 under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant respectfully asserts that such rejection has been avoided by virtue of the clarification made hereinabove to the claims.

The Examiner has rejected Claims 1, 3-6, 8-16, 18-42, and 44 under 35 U.S.C. 102(e) as being anticipated by Howard et al. (U.S. Patent No. 6,278,966). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to the independent claims.

With respect to independent Claims 1, 16, 31, 33, and 42 the Examiner has relied on Col. 6, line 66 and Col. 7, line 5 in Howard to make a prior art showing of applicant's claimed "a record of...system actions taken by a system in response to the information and the user actions in order to generate results" (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that the excerpts from Howard relied on by the Examiner only disclose "which pages are accessed" (Col. 6, line 66) and "the previous URL that they viewed" (Col. 7, line 5). Clearly, merely disclosing accessed pages and viewed URLs, as in Howard, does not even suggest "system actions taken by a system," let alone specifically "system actions taken by a system in response to the information and the user actions in order to generate results" (emphasis added), as claimed, especially where the information includes "information submitted by the user" and the user actions include "user actions taken by the user," in the context claimed.

With respect to independent Claim 41, the Examiner has again relied on Col. 6, line 66 and Col. 7, line 5 in Howard to make a prior art showing of applicant's claimed "system actions taken by a system in response to the information and the creation and actions in order to generate results."

Applicant again respectfully points out that the excerpts from Howard relied on by the Examiner only disclose “which pages are accessed” (Col. 6, line 66) and “the previous URL that they viewed” (Col. 7, line 5). Clearly, merely disclosing accessed pages and viewed URLs, as in Howard, does not even suggest “system actions taken by a system,” let alone specifically “system actions taken by a system in response to the information and the creation and actions in order to generate results” (emphasis added), as claimed, especially where the information includes “information submitted by the user” and the creation and actions are “associated with forms...with which a user submits information,” in the context claimed.

Further, with respect to the independent claims, the Examiner has relied on Col. 9, lines 22-25 in Howard to make a prior art showing of applicant’s claimed technique “wherein the transaction pattern further includes information submitted by the single user, in each form and in each step of a login and account access process” (see this or similar, but not necessarily identical language in the independent claims – as amended).

Applicant respectfully asserts that the excerpt from Howard relied on by the Examiner simply teaches “launching a script that executes a transaction against their account-whereas most visitors that have just logged on-thereby executing a login script.” However, simply mentioning a script that executes a transaction against an account and a login script, as in Howard, does not meet applicant’s claimed technique “wherein the transaction pattern further includes information submitted by the single user, in each form and in each step of a login and account access process” (emphasis added), as claimed.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor*

Co.868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the above reference excerpt(s), as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has amended the independent claims as follows:

“a transaction pattern reflecting a transaction associated with a single user” (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that Howard only relates to “an emulated visit” that “us[es] a set of probability distributions” (Col. 7, lines 42–47). Further, Howard expressly discloses that “whenever a choice needs to be made (e.g., select an entry page, select a link, end the session) for an emulated visitor, the method makes a selection according to a set of distributions,” such that “[t]hereafter, the emulated visitor is passed through the site in task 306 where the emulated visitor enters the site at a particular page, and then traverses the site by making choices according to the probability distributions specified in the previous step.” (Col. 7, lines 53-60).

Thus, Howard only discloses an emulated visit to a page in which the page is traversed based on probability distributions. Clearly, disclosing traversal of a page based on probability distributions, as in Howard, does not meet, and even *teaches away* from, applicant’s claimed “transaction pattern reflecting a transaction associated with a single user” (emphasis added), as claimed.

Again, the foregoing anticipation criterion has simply not been met by the Howard reference, as noted above. Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with respect to Claim 3 et al., the Examiner has relied on Col. 6, lines 66-67 and Col. 9, lines 24-25 from Howard to make a prior art showing of applicant's claimed technique "wherein the transaction pattern further includes a record of the actions taken by the system which enable access of the user to data, and actions enabled by the data to retrieve content."

Applicant respectfully asserts that the excerpts from Howard relied on by the Examiner merely disclose "which pages are accessed most frequently," "which files are downloaded most frequently" (Col. 6, lines 66-67), and "a login script" (Col. 9, lines 24-25). However, simply teaching frequently accessed pages and frequently downloaded files, in addition to generally mentioning a login script, as in Howard, fails to even suggest a technique "wherein the transaction pattern further includes a record of the actions taken by the system which enable access of the user to data, and actions enabled by the data to retrieve content" (emphasis added), as claimed.

Further, with respect to Claim 15 et al., the Examiner has relied on Col. 5, lines 66-67 from Howard to make a prior art showing of applicant's claimed technique "wherein the execution of the transaction pattern includes recognizing a state of a remote application."

Applicant respectfully asserts that the excerpt relied upon by the Examiner merely teaches an "output module for outputting or displaying program status results on a graphic display, print device or storage medium." Clearly, simply disclosing outputting program status results, as in Howard, fails to even mention "a remote application," let alone specifically disclose that "the execution of the transaction pattern includes recognizing a state of a remote application" (emphasis added), as claimed.

Again, since the above criterion has simply not been met by the above reference excerpt(s), as noted above, a notice of allowance or specific prior art showing of each of

the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claim 45 below, which is added for full consideration:

“wherein the information submitted by the single user is submitted via an e-commerce form, the information including a name of the single user, credit card information associated with the single user, and a shipping address of the single user” (see Claim 45).

Again, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested. To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NVIDP371).

Respectfully submitted,
Zilka-Kotab, PC

/KEVINZILKA/

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100